

Do not write in this space

Received by: _____ Date: _____ Informal Gr. No: _____

STATE OF MONTANA DEPARTMENT OF CORRECTIONS

MSP ☒ MWP ☐ CONTRACT FACILITY: _____

INMATE/OFFENDER INFORMAL RESOLUTION FORM

Name: Nathaniel Kibby Number: 3019567 Housing: LHO-1 Date: 10/7/2018

Describe the problem. Include date and time the incident occurred, names of staff involved, description of any evidence, and names of any witnesses. Name the person(s) you are grieving. WHAT did they do? WHEN did they do it? WHERE did this happen? & WHAT have you done so far to get the problem repaired?

I am Grieving violations of policy and due process by law, by the ~~Disciplinary~~ Disciplinary Hearings Officer Christine Slaughter. ① I did not receive a legible copy of the 9/7 Disciplinary Report, until 9/12, at the Hearing - Policy Requires ⁱⁿ 2 separate locations, that evidence/reports be made available within 24 hrs in PHC, and also 24 hr prior to hearing. ② Then my appeal was not submitted by the DHO, ③ then the DHO conducted an additional colloquy w/ accuser, then re-did the hearing on 9/14. No Notice given. Again substance of new testimony was not disclosed - Secret Evidence. ④ DHO was biased having already decided guilty on 9/12 - saying "Staff never lie, so if your written up you must be guilty". ⑤ Never reviewed camera footage, or sought out inmate witnesses raised in my written statement, or spoke to specified witness on initial Notice of Hearing.

ACTION REQUESTED: Overturn the erroneous Guilty Verdict of both the 9/12 or 9/14 hearings. Also, consider adding digital recordings of hearings into policy 3.4.1.

INMATE SIGNATURE: Nathaniel Kibby

By my signature above, I waive confidentiality to any records necessary to investigate and resolve my complaint and certify the truth of all my statements herein.

RESPONSE: The action you request is / is not appropriate because: _____

Requested action is granted ___ / granted in part ___ / denied ___. You have the right to file a Formal Grievance if this response does not satisfy you.

RESPONDANT SIGNATURE: _____ TITLE: _____ DATE: _____

I acknowledge that I have received this response. _____

INMATE SIGNATURE

DATE

GRIEVANCES MUST BE SUBMITTED WITHIN FIVE WORKING DAYS OF RECEIPT OF THIS RESPONSE. ATTACH COPIES OF ALL PERTINENT INFORMATION AND PLACE IN THE GRIEVANCE COLLECTION LOCK BOX. (FORMAL GRIEVANCE FORMS ARE AVAILABLE FROM HOUSING STAFF)

WHITE - GRIEVANCE COORDINATOR

CANARY - INMATE COPY OF RESPONSE

PINK - INMATE RECEIPT

Was in
authorized area
in common

STATE OF MONTANA DEPARTMENT OF CORRECTIONS

MSP ☒ MWP ☐ CONTRACT FACILITY: _____

INMATE/OFFENDER GRIEVANCE CONTINUATION FORM

(NOTE: Only one continuation page may be used.)

Name: Nathaniel Kibby Number: 3019567 Housing: UE-5 LHV-1 Date: 10/7/18

- (6) Repeated requests (verbal and OSR's) for Disciplinary policy went unfulfilled until 10/5 by Library and Staff, preventing filing a Grievance earlier. (7) Write up not accurate. Listed #4233, but DHO changed it to #4235.
- (8) No Evidence to support #4235, as written, the report is consistent with #4208 - Insolence. (9) A Re-Hearing isn't permitted/specified under policy.
- (10) At Re-Hearing, Sanctions increased from 15 days to 25 days. No Justification given, other than reference to private colloquy w/ accuser post-Original-hearing. Re-Hearing was solely to increase Sanctions. (Was not impartial). Sanction increase not in policy. (11) Staff held onto paperwork behind locked door, and filled out themselves. Specifically checked off "Understood charges" when I didn't, then was forced to sign on edge of tray slot while staff held paperwork. Direct order to sign. Notice clearly says - refusal to sign - is assent to waive all hearings and appeals. So signing is not affirmation of anything on the notice, since it's obligated by direct order and duress. Point is - never understood accusation. (12) Hearing not recorded to preserve for appellate review or Judicial Scrutiny (not in policy, but should be).
- (13) Appellate Review was biased. Ignored all procedural and policy violations. "Rubber Stamped" the DHO's Findings, and is the Supervisor over the Accuser. Should have flagged the policy violations, legal violations, and also recused himself by giving appeal to a different warden. (14) The write up is a lie, the hearings a sham - all because of an ABC 20/20 episode on 9/7/18.
- Disciplinary Hearings have an impact on Classification, Access to treatment, Sentence Reductions, Parole, etc. This is called a "Liberty Interest". Due process violations are a serious civil rights issue, scrutinized by Federal Courts. 14th Amendment Equal Protection Clause - Treated discriminatory in Hearing outcome than other inmates w/ extensive disciplinary records, and actual violence, threatening to staff using weapons + destruction of property.
- I ask you to consider this carefully, policy allows Grievance for violations of policy, but also forbids Grieving Disciplinary. What if Disciplinary violates policy, and law? If this concludes my Grievance rights (Administrative Remedies), then I have other options available to me. Also, I'm not time barred. Since I filed within 5 days of receiving policy 3.4.1 (Disciplinary Policy), and I cannot Grieve violations of policy, when I'm in the "Hole" w/out access to Policy except through the grace of Staff, which wasn't fulfilled until 10/3/18.

Thank You for Your time, and careful consideration.

[Signature]

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INMATE/OFFENDER INFORMAL RESOLUTION FORM

Name: Nathaniel Kibby Number: 3019567 Housing: UE5 LHV1 Date: 10/7/18
 Describe the problem. Include date and time the incident occurred, names of staff involved, description of any evidence, and names of any witnesses. Name the person(s) you are grieving. WHAT did they do? WHEN did they do it? WHERE did this happen? & WHAT have you done so far to get the problem repaired?

I was recassed after a write-up, to close custody / High Side. I expressed safety concerns on my Housing classification appeal, and requested Housing in High-2 Upper-D block, because it would be the least "political" housing environment, personal knowledge, as I came off that cube last Oct '17. Instead I was overided w/out a hearing, or notice to Max Custody. OSR's and a 2nd Housing classification ^{appeal} went w/out a reply. Today I learned I was a Level-1, which carries the maximum impact on my property - forcing me to discard nearly everything. I was sent here for "Special Management" reasons, so why am I being punished on level one? Forced to send out all property? I would have been fine on HSD-2, UD. I'm in greater risk around MAX custody inmates "investigating" me. Reckless.

ACTION REQUESTED: ① Move me to a less restrictive custody level, ② or, come discuss this w/ me. ③ DO NOT DISCARD MY PROPERTY - Punishing me for MSP's safety concerns on my behalf. INMATE SIGNATURE: Nathaniel B. Kibby

By my signature above, I waive confidentiality to any records necessary to investigate and resolve my complaint and certify the truth of all my statements herein.

RESPONSE: The action you request is / is not appropriate because: _____

Requested action is granted ___ / granted in part ___ / denied ___. You have the right to file a Formal Grievance if this response does not satisfy you.

RESPONDANT SIGNATURE: _____ TITLE: _____ DATE: _____

I acknowledge that I have received this response. _____

INMATE SIGNATURE

DATE

GRIEVANCES MUST BE SUBMITTED WITHIN FIVE WORKING DAYS OF RECEIPT OF THIS RESPONSE. ATTACH COPIES OF ALL PERTINENT INFORMATION AND PLACE IN THE GRIEVANCE COLLECTION LOCK BOX. (FORMAL GRIEVANCE FORMS ARE AVAILABLE FROM HOUSING STAFF)

WHITE - GRIEVANCE COORDINATOR

CANARY - INMATE COPY OF RESPONSE

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Attachment

MSP 3.3.3, Inmate Grievance Program

Implemented January 15, 2015

EXHIBIT B

Do not write in this space

Received by: _____ Date: _____ Informal Gr. No.: _____

INMATE/OFFENDER INFORMAL RESOLUTION FORM GRIEVANCE

Name: NATHANIEL KIBBY Number: 3019567 MSP Housing: LHU-1-UE5 Date: 10/15/18

Describe the problem. Include date and time the incident occurred, names of staff involved, description of any evidence, names of any witnesses. **Name the person(s) you are grieving.** WHAT did they do? WHEN did they do it? WHERE did this happen? & WHAT have you done so far to get the problem repaired?

Received Property on 10/7. After Cross checking against Level-1 Max Custody Canteen list, I found several items I can purchase on my approved LVI-1 Canteen, that were NOT delivered / NOT inventoried: #464 Tylenol 500mg Bottle (full), #151 Coolwave Toothpaste, #432 Baseball Cap, #745 6FT TV Cable, #763 10x13 Manila Envelopes (2 ~~undelivered~~, 1 Rec'd), #767 Typing Paper. (I got my TV, but no TV cable inventoried?). Also HSR Items: Medical eye drops, Sunglasses, Glasses w/ Transitional lenses (I have HSR's). The Cause is the Property Office paperwork doesn't match Canteen list. As Canteen changes, so should the property Matrix. I should not be forced to discard what I can buy on Canteen. Access to Canteen may be a privilege, but this isn't about access to Canteen. Ownership of property is a right. I should not be forced to discard my property that I can purchase on Canteen. ~~Filed~~ Filed as Emergency because I have a deadline by which I must mail out or discard All property, and I cannot wait for 70 working days for a staff response.

ACTION REQUESTED: Please locate, then provide these items to me in Locked Housing 1. Canteen property and Medical Property. Thank You.

INMATE SIGNATURE: Nathaniel Z. Kibby

By my signature above, I waive confidentiality to any records necessary to investigate and resolve my complaint and certify the truth of all my statements herein.

RESPONSE: _____

Informal Response on 10/15
Submitted on 10/15
Appeal

Requested action is granted ___ / granted in part ___ / denied ___ / not processed ___. You have the right to grieve if this response does not satisfy you.

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INMATE/OFFENDER INFORMAL RESOLUTION FORM GRIEVANCE

Name: Nathaniel Kibby Number: 3019567 MSP: LHU-1-UE5 Date: 10/15/18
 Describe the problem. Include date and time the incident occurred, names of staff involved, description of any evidence, names of any witnesses. Name the person(s) you are grieving. WHAT did they do? WHEN did they do it? WHERE did this happen? & WHAT have you done so far to get the problem repaired?

ON 10/7/18, I recieved my Property Inventory list from 9/7. There are several items NOT inventoried, also staff did not immediately collect my property from my room. Missing Items: MP3/GAME A/C power adapter, TV 2-way cable splitter, TV Coaxial cable, TV Coaxial elbow, 3 prong plug, \$5 photo copy card, pair of earbuds (I have both white JVC, and clear MP3, only 1 pr inventoried), A/V cables for video game, sunglasses, medical eyedrops and ~~XXXX~~ RX Glasses w/ transitional lenses (I have HSR's), Tylenol 300mg bottle, 2 Bic pens, Typing Paper, ~~XXXXXX~~ BY NOT PROMPTLY COLLECTING MY PROPERTY, IT IS OPEN FOR THEFT, ALSO THE PROPERTY MATRIX IS OUT OF DATE TO CURRANT CANTEEN LISTS, CAUSING STAFF to immediately discard property not listed on Matrix. The Matrix should be updated as Canteen charges. Also, my former cellie Tyler Austin may have found items staff left behind, speak to him. I have a deadline to mail out or discard my property and do not have 30 working days for staff response. See Also Informal Grievance on Forcing inmates to sign by Direct Order Precompleted, unread, Property Waivers before receiving Property, dated 10/15/18.

ACTION REQUESTED: ① Locate, replace, or reimburse for all missing items listed above. ② Update property Matrix to match Canteen. - Thank You -

INMATE SIGNATURE: Nathaniel Kibby

By my signature above, I waive confidentiality to any records necessary to investigate and resolve my complaint and certify the truth of all my statements herein.

RESPONSE: _____

Informal Response Rec'd on 10/15

Appeal Submitted on 10/15

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INMATE/OFFENDER ~~INFORMAL~~ RESOLUTION FORM

Name: NATHANIEL KIBBY Number: 3019567 MSP Housing: LHU-1-UE5 Date: 10/15/18

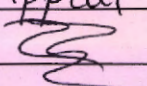
Describe the problem. Include date and time the incident occurred, names of staff involved, description of any evidence, names of any witnesses. **Name the person(s) you are grieving.** WHAT did they do? WHEN did they do it? WHERE did this happen? & WHAT have you done so far to get the problem repaired?

ON 10/7, I reviewed my property. I was informed that as a Level one Locked Housing Inmate, My UNDELIVERED Property would ~~be~~ be Disposed of within 2 weeks. This is Illegal. I don't care what policy says. Property is a right, disposal violates that right. Policy is out of step w/ the law. It's not a huge burden to hold onto a clear tote of clothing, books, hygiene, ^{Medical} ~~books~~, stationery, electronic accessories, etc. ^{Disposing} ~~Disposing~~ Food and items that spoil is reasonable. But throwing out Property, only to force an inmate to purchase new, a few months later isn't reasonable, or least restrictive. It is driven by a profit motive. As I have no \$ to replace, or mail out, I plan on Filing a Federal 1984, and state civil suits if my property is discarded. Filed as Emergency because I face a deadline of property disposal, and can't wait ^{working} 20 days for staff response.

ACTION REQUESTED: Store all property that I could have kept as a close custody / High Side Inmate (where I was initially ^{RE}classified), or Reimburse the value, or replace all relevant property. Thank You. INMATE SIGNATURE: Nathaniel Z. Kibby

By my signature above, I waive confidentiality to any records necessary to investigate and resolve my complaint and certify the truth of all my statements herein.

RESPONSE: _____

Informal Response Rec'd on 10/15
Appeal Submitted on 10/15


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GRIEVANCE INMATE/OFFENDER INFORMAL RESOLUTION FORM

Name: Nathaniel Kibby Number: 3019567 MSP Housing: LHV-1-UF5 Date: 10/19/18

Describe the problem. Include date and time the incident occurred, names of staff involved, description of any evidence, names of any witnesses. Name the person(s) you are grieving. WHAT did they do? WHEN did they do it? WHERE did this happen? & WHAT have you done so far to get the problem repaired?

When I recieved my property on 10/7, I verbally asked the Property Officer Darry Hunt to exchange out the books he had selected on my behalf, for the ones I preferred. He said he would. So I sent him several OSR's during the week, specifying my selections, but no response, or exchange. The matter remains unresolved, and I have a deadline very soon to mail/discard all property (including books). I should have been permitted to choose which BIBLE, which Dictionary, which Books, which Magazines, to keep or discard, as I had within the 15 allowed in General Population. By withholding my choices, its improper Censorship (even if inadvertant) and violates my property rights. Also, I have donation slips for all the publications I'm being forced to discard, since destruction of books (and Bibles) is AKin to what my parents suffered under the Nazis. (Informal Response recieved on 10/19, This Formal Filed on same day)

ACTION REQUESTED: ① Bring me ALL my publications. So I may swap out selections, and provide Donation Slips for the rest. ② Correct Policy to ensure inmates can choose which excess selections to keep, not staff. INMATE SIGNATURE: Nathaniel Kibby

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RESPONSE: _____

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 _____ INMATE SIGNATURE _____ DATE _____

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INMATE/OFFENDER INFORMAL RESOLUTION FORM

Name: Nathaniel Kibby Number: 3019567 MSP Housing: LHU-1 UES Date: 10/12/18
Describe the problem. Include date and time the incident occurred, names of staff involved, description of any evidence, names of any witnesses. Name the person(s) you are grieving. WHAT did they do? WHEN did they do it? WHERE did this happen? & WHAT have you done so far to get the problem repaired?

I AM GRIEVING PROPERTY POLICY. INMATES IN GENERAL POPULATION ARE PERMITTED 15 Publications (any combination of Books, Magazines, Newspapers, etc) and 1 Dictionary. BUT INMATES IN LOCKED HOUSING LVL-1 ARE RESTRICTED TO 5 BOOKS PERSONAL, 3 State Owned/Library Books, 3 MAGAZINES, 2 NEWSPAPERS, 1 RELIGIOUS PUBLICATION (14 Total, No Mention of Dictionary or Matrix). THIS IS ILLEGAL, LETS COUNT THE WAYS:
(A) IN COMPARISON, GENERAL POPULATION INMATES ARE PERMITTED 15, AND LVL-1 LH INMATES: 14. BY SPECIFYING PUBLICATION TYPE, INMATES ARE FORCED TO DISCARD NON-QUALIFYING PUBLICATIONS. IT SHOULDN'T MATTER IF IT'S A BOOK, MAGAZINE, OR NEWSPAPER, ETC. A PUBLICATION IS A PUBLICATION. NO VALID PENOLOGICAL INTREST EXISTS. (B) PROPERTY IS PROPERTY, AND NO INMATE SHOULD

ACTION REQUESTED: (1) Allow All Inmates to Retain or Store All Allowed Authorized Publications (2) Change Policy and Property Matrix to reflect this (3) Allow Locked Housing Inmates 15 Publications Also INMATE SIGNATURE: Nathaniel B. Kibby

By my signature above, I waive confidentiality to any records necessary to investigate and resolve my complaint and certify the truth of all my statements herein.

RESPONSE: _____

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STATE OF MONTANA DEPARTMENT OF CORRECTIONS

MSP ☒ MWP ☐ CONTRACT FACILITY: _____

INMATE/OFFENDER GRIEVANCE CONTINUATION FORM

(NOTE: Only one continuation page may be used.)

Name: NATHANIEL KIBBY Number: 3019567 Housing: LHU-1 UE5 Date: 10/12/18

BE FORCED TO DISCARD PROPERTY THAT IS AN OTHERWISE AUTHORIZED PUBLICATION. NO VALID PENOLOGICAL INTREST EXISTS. (C) BY LIMETING LOCKED HOUSING INMATES TO 1-RELIGIOUS PUBLICATION, YOUR SUPPRESSING EXERCISE OF RELIGION. THIS VIOLATES FEDERAL LAW (R.L.U.-P.A). CHRISTIAN'S ARE MANDATED TO STUDY THE SCRIPTURES. THIS OFTEN INVOLVES SEVERAL ENGLISH BIBLE TRANSLATIONS, STUDY GUIDES, COMMENTARIES, CONCORDANCES, ETC. LAST SUMMER I GRIEVED THE LIMETATION OF RELIGIOUS PUBLICATIONS TO 15 QTY. THE DOC DIRECTOR RULED IS WASN'T AN INTERFERANCE TO RELIGIOUS PRACTICE. I NOW SAY, LIMETATIONS TO "1" ABSOLUTELY IS. THERE IS NO COMPELLING PENOLOGICAL INTREST, AND YOU ARE VIOLATING FEDERAL LAW. (D) WHY ARE GENERAL POPULATION INMATES ALLOWED A DICTIONARY, (NOT COUNTED AGAINST THEIR 15 LIMET), WHILE LOCKED HOUSING UNIT INMATES ARE NOT? PERHAPS THIS IS AN OVERSIGHT ON THE LUL-1 LHU PROPERTY MATRIX, AND IT SHOULD BE FIXED.

WHAT'S GOING ON IS ARBITRAN AND CAPRICIOUS POWER AND CONTROL THAT LACKS EITHER VALID REHABILITATION, SECURITY, OR ORDERLY FUNCTION OF A PRISON JUSTIFICATIONS. DISCARDING PUBLICATIONS RETARDS EDUCATION AND REHABILITATION INTRESTS, and INTERFERES WITH RELIGIOUS PRACTICES. WHEATHER AN INMATE HAS 15 PUBLICATIONS OF ANY VARIETY, OR 14 OF A SPECIFIC VARIETY HAS NO REALISTIC IMPACT ON SECURITY OR ORDERLY PRISON OPERATION. HAVING ESTABLISHED THAT YOU HAVE NO REASONABLE OR COMPELLING INTREST AT STAKE. I ALSO POINT OUT, YOU ALSO FAIL THE COURTS NEXT TEST OF BEING LEAST RESTRICTIVE. YOU COULD STORE THE PUBLICATIONS / PROPERTY, OR GIVE THEM TO THE INMATE, AT MINIMAL COST OR DISORDER TO THE PRISON.

IM BEING FORCED TO DISCARD (9) AUTHORIZED PUBLICATIONS, A REPLACEMENT VALUE APPRAISED AT \$175 PLUS STH. BECAUSE THEY ARE ALL BOOKS (SOFTCOVER). SEVERAL OF THEM RELIGIOUS. (A SEPERATE GRIEVENCE ADDRESSES FORCED DISPOSAL OF PROPERTY). CONSIDER YOURSELF ON NOTKE, I INTEND TO PUSH THIS MATTER TO THE FEDERAL COURTS, AND I WILL WIN. ALSO, MY FAITH OBLIGATES ME TO ADVISE AGAINST EXPLOITATION OF THE POOR, AND VULNERABLE, AS GOD SEES ALL, AND THERE WILL BE A DAY OF JUDGEMENT. THOSE IN AUTHORITY ARE TO BE FAIR AND JUST W/ THOSE IN THIER CHARGE.

END REPORT

THANK YOU FOR YOUR TIME AND COOPERATION. RESPECTFULLY,

Nathaniel S. Kibby